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DEMETRIUS MINOR

215 S. Burlington Rd.

Bridgeton NJ 08302

DEMETRIUS MINOR

Plaintiff,

v.

- JOHN POWELL, in his  
Official capacity as  
Administrator of South Woods  
State Prison
- JIM HASS, in his official  
capacity as Policy Director
- ALEXANDER SOLANIK, in his  
official capacity as Associate  
Administrator
- MICHAEL BROWN, in his  
official capacity as Facility  
Librarian
- MARCUS HICKS, in his official  
capacity
- Jane & Jon Does.

Defendants.

District Court of New Jersey

SUPERIOR COURT OF

MERCER COUNTY

LAW DIVISION

Docket No.

CIVIL ACTION

VERIFIED COMPLAINT

& REQUEST FOR

INJUNCTION

PURPOSE \_\_\_\_\_

CUE COLUMN

NOTES

Defendants  
→

New Jersey Department of Corrections

Jim Hass (NJDRC)

Jennifer Malinowski, (NJDRC)

Marcus Hicks, (NJDRC)

John Powell, (SWSP)

Al Solanik, (SWSP)

Luz Torrez, (SWSP)

Librian Brown (SWSP)

Speneli ofc (SWSP)

Janaya Young (SWSP)

Harry Mathis (SWSP)

Plaintiff, states her complaints as follows

Nature of Action

1. This is a civil rights action for Preliminary Injunctive relief, Permanent injunctive relief, declaratory relief, and damages for violations of the Law Against Discrimination and the state constitution's promise of equal protection, due Process, free expression, and Prohibition on cruel & unusual punishment. This action is brought by a woman who has been confined in mens Prisons since a ~~child~~ juvenile. Her recent decision to announce her Transition to Prison staff has lead to sever verbal, harassment, discrimination, and She continues to be treated differently than other Women solely because she is transgender.

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2. Plaintiff brings this action to enjoin Defendants from discriminating against her on the basis of her gender identity or expression and on the basis of her sex including, but not limited to: by housing her with ~~heterosexual~~ heterosexual men ~~and~~ despite her stated and well-documented gender identity & exceptional vulnerability as a woman, referring to her as male, using male pronouns to address her, refusing to allow her to work as a paralegal, refusing to allow her to continue her special education classes & teachings with a certified special educational solely because of her gender identity & engagement in constitutionally protected activity Plaintiff also seeks compensatory and punitive damages for the ~~institutions~~ ~~institutions~~ Defendant failure to follow their own policies & the federal mandate as well as for their ~~continued~~ continued retaliation & harassment and for placing Plaintiff in solitary confinement.

### VENUE

3. Venue is proper in Mercer County pursuant to R 4:3-2(a). Although Plaintiff has been subjected to discrimination & harassment in mens prison in Bridgeton NJ, the ultimate decision to treat her differently than other women because she is transgender was and continues to be made by the New Jersey Department of corrections. Supplemental Jurisdiction is asserted on state claims.

Plaintiff Moves before the District Court for a order, regarding her 8th Amendment & 1st Amendment Claim

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## Parties

Plaintiff Demi Doe is a woman who is being discriminated against for being transgender. At all relevant times to this suit, Defendants knew or should have known that Plaintiff is a woman.

5. Defendant New Jersey Department of corrections (NJDOC) has its administrative headquarters on Whittlesey Rd in Trenton, New Jersey. NJDOC is a public entity amenable to suit under New Jersey law.

6. Defendant Marcus Hicks is ~~Acting~~ Commissioner of the NJDOC.

7. Defendant Jim Hass, is responsible for being the Prison Rape Elimination Act compliance unit & has a official position as a director of or for Policy & Planning for NJDOC he is sued in his official capacity

8. Defendant ~~Msgr~~ Jennifer Malinowski is The NJDOC Agency wide Policy & Planning Commissioner & also apart of the PREA Compliance unit & PREA Accomodation unit /committee she is sued in her official capacity

9. John Powell, is <sup>(SUSP)</sup> Administrator of South-woods state Prison, which is one of 13 main correctional facilities operated by NJDOC. Like other NJDOC facilities, ~~the~~ SWSP is a place of public accommodation under NJ Law Against Discrimination Administrator Powell is sued in his official capacity

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10 Defendant Alexander Solanik, is a associate Administrator at South Woods state Prison. Solanik has a duty to ensure all policies are being followed & that all accommodations pursuant to state & federal law are being complied with. He is sued in his official capacity, pursuant to

11 Defendant Luz Torres, is a administrative assistant, She is responsible for investigating claims submitted to administration as well as American with disabilities Act. She is the ADA coordinator. She is sued in her official capacity.

12 Facility 3, Law Librarian (Mr. Brown, is responsible for ensuring inmates at SHSP are being provided with legal access in accordance with New Jersey Administrative Code (NJAC) 10A:6. He is sued in his official capacity

13 Defendant Spencil is a correctional officer, assigned to South Woods state Prison. He is a public officer & is sued in his official capacity

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## FACTUAL ALLEGATIONS

14 Plaintiff is a Transgender Woman

15 Plaintiff was born in 1995. She was assigned the sex of male at birth but has identified privately as Gender non-conforming since she was a child. Since 2017 she has privately identified as a female.

16 In 2019 Plaintiff began to inform her Administration of her decisions to live as a female. She requested congruent Housing with other Transgender females or with Gender Non conforming inmates.

17 6 Months later Plaintiff was diagnosed by facility staff with Gender Dysphoria.

Gender Dysphoria, is the medical diagnosis given to Individuals whose gender identity - a person's innate sense of belonging to a particular gender - differs from the sex they were assigned at birth, causing clinically significant distress. Gender dysphoria is included in the most recent DSM (Fifth ed., 2013) (DSM-V) and is ~~being~~ recognized by the other major medical and mental health professional groups, including the American Medical Association and the American Psychological Association. Ms. Minor's current medical records reflect a diagnosis of gender dysphoria in line with DSM-V.

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- ⑮ Prior to & - Since her diagnosis in 2020 Ms. Minor has continued to express her self a woman & has continued to seek treatment for her gender dysphoria including but not limited to hormone therapy & Gender affirming items as well as Gender Affirming Surgery
- ⑯ Prior to her incarceration Plaintiff suffered from years of abuse in the dys system & from foster foster homes with substandard conditions. Plaintiff is a survivor of sexual abuse as well as physical abuse.
- ⑰ ~~Plaintiff~~ <sup>white</sup> ~~Plaintiff~~ incarcerated Plaintiff has <sup>reported</sup> ~~been~~ ~~suffered~~ being raped & sexually abused as a juvenile confined to the adult prison system.
- ⑱ Because of the constant abuse & the rape that occurred Plaintiff chose to act ~~more~~ masculine changing the way he walked, talked & acted solely to avoid being assaulted again.
- ⑲ During Plaintiff's time of appearing masculine she indeed identified as a female.
- ⑳ Plaintiff in 2019 began to suffer from distress & self hatred from hiding who she was. She finally told her mental health clinician that she identified as a woman & indeed would be a woman. Plaintiff explained how prison was a dangerous place to reveal such information & as such she did not want to anyone to know

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(16) During this time plaintiff was not aware of any policy, directive or Memo regarding accommodations being made to Transgender Woman.

South Woods State Prison is a Public entity bound by Prison Rape Elimination Act, Law Against Discrimination & the ADA. Plaintiff's medical records since 2019 have ~~as~~ her marked as Transgender, & has her recent diagnosis listed on them as well her vulnerability.

(17) ~~Plaintiff~~ From NJDOC's own records, Plaintiff's self-reporting, and Plaintiff's numerous Grievances NJDOC and its staff knew or should have known that Plaintiff is a Woman. Nevertheless ~~since~~ Defendants have consistently and continually treated Plaintiff like a man because she was assigned the sex of male at birth. Even denying her requests for accommodations for congruent housing with other Transgender Women.

(18) Plaintiff has been consistently misgendered. Most obvious, Defendants have continuously confined her in the cell with Men, despite her stated and well documented female gender. In additionally, Defendants and other NJDOC & ~~SWSP~~ staff consistently refer to Ms. Doe using male pronouns. ~~NJDOC~~ ~~not~~ her

(19) At times, Defendants Spauli & other staff have told Plaintiff she is a man & will not be treated differently especially when referring to her using pronouns.

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20) Plaintiff has been denied female commissary items such as <sup>such as make-up</sup> Lever soap, female undergarments & other items which are available at Edna Mahan correctional ~~Facility~~ Facility for women.

Plaintiff has also been unable to choose gender affirming items / submit for review & consideration items which she believes to be gender affirming.

21) All females in the state of New Jersey are permitted to order from the Edna Mahan commissary list, Plaintiff has been denied such opportunity solely because she is Transgender. Instead Defendant Hass, Solanik & Powell have decided what items will make Plaintiff feel more in line with her Gender Identity.

In January 2020 Defendant Solanik received a request & others from Plaintiff requesting to be housed with another gender non-conforming inmate or Transgender.

22) Defendant Solanik through his disgree denied Plaintiff's request for such accommodation. Defendant Solanik also called Mental health & requested to know what was Ms Minor identifying as. Plaintiff confirmed that she indeed was Transgender.

23) Plaintiff filed several grievances requesting accommodations considering the fact that she ~~was~~ is transgender.

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- 24 As a result of Defendants refusal to honor Plaintiff's request for congruent <sup>in a female facility</sup> housing & provide her with the Policy for treatment / accommodations for Transgender inmates Plaintiff suffered constant humiliation harassment & targetting by her cellmates these actions exacerbated her mental health disorder causing her emotional distress anguish & humiliation.
- 25 Defendants had a duty to implement policies that did not discriminate against Plaintiff for being Transgender.
- 26 Defendants were on notice about the harm & risk that Transgender face via their rigorous training & meetings regarding Prison Rape Elimination Act (PREA)
- 27 Plaintiff's EMR categorizes her PREA status as "victim." It notes plaintiff has reported symptoms that may indicate Sexual victimization either currently or in the past, that she has reported a history of prior institutional violence or sexual abuse, and that she has reported being particularly vulnerable to victimization while incarcerated.
- 28 Despite the notations on her EMR & her purported designation for PREA monitoring Defendants still have placed Plaintiff in the cell with cisgender inmates who harass her & exacerbate her Gender dysphoria; In addition Defendant<sup>s</sup> have not taken Plaintiff's own views ~~into~~ of safety into consideration & have repeatedly ignored Plaintiff's request for accommodation due to her disability.

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Despite Defendants Policy, staff have refused to follow such Directives subsequently subjecting Plaintiff to emotional & Physical Harm

(29)

Defendants, have failed to train staff on how to work with transgenders including but not limiting to using the preferred pronouns of Transgender inmates.

(30)

Defendants have failed to establish Policy that explains how Transgender inmates will be searched strip search.

(31)

~~Inmate's complaint~~ At South Woods State Prison Plaintiff has been exposed to constant harassment while ~~in~~ in solitary inmates shouted "Yo its a "he/she," up here. Also why they call "It" she and her.

(32)

These derogatory & harassing statements were made to Plaintiff when mental health stopped by & respectfully asked plaintiff what pronouns did she prefer.

(33)

Plaintiff on 1-29-20 Plaintiff reported to Prison Investigators that she had been threatened & sexually harassed by another inmate. This inmate, ~~admitted~~ <sup>detailed</sup> how he wanted to have sex with Plaintiff, the letter described sexual acts he wished to perform on Plaintiff. Plaintiff's admission only led to retaliation from the Investigators who later issued disciplinary charges to Plaintiff for making a 3-way call which Plaintiff admitted to doing when she was questioned about letters she authored.

(34)

Defendants allow the harassment of Transwoman to go on unchecked & with impunity.

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33 These incidents along with her incongruent housing make Plaintiff fear for her safety & exacerbates her gender dysphoria

The extreme vulnerability of Transgender Women in Men's Prisons

36 It is well documented that transgender prisoners, in particular women who are transgender, face exceptional hardship in prison in general. Women who are transgender and incarcerated in men's facilities are especially vulnerable to physical and sexual assault, self-harm, and lasting psychological trauma and emotional distress.

According to the U.S. Department of Justice, nearly 40 percent of transgender prisoners in state and federal prisons experience sexual victimization, a rate ten times higher than that for prisoners in general.

37 The National Commission on Correctional Health Care (NCCHC) has warned that "transgender people face an array of risk to their health & well-being during incarceration, and are often targets of physical assault and emotional abuse." The NCCHC recognizes that transgender prisoners are "commonly placed in correctional facilities according to their genitals and/or sex assigned at birth, regardless of their gender presentation" and that the "health risk of overlooking the particular needs of transgender inmates [are] severe [.]"

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When confined incongruously with their gender identity, transgender prisoners are often "singled out" as targets of harassment and abuse. In a national survey, 21 percent of transgender women confined in men's facility reported suffering physical abuse in prison and 20 percent reported sexual violence.

39

In 2012, the U.S. Department of Justice's final regulation implementing PREA recognized the extreme vulnerability of transgender prisoners and detainees. The regulations require individualized assessments when determining whether to house transgender prisoners in men's or women's facilities, prevent cross-gender searches, incorporating the unique vulnerabilities of transgender prisoners into training and screening protocols; ensure transgender prisoners can shower, change clothing, and use the bathroom without improper viewing by prisoners and staff of the opposite gender; and restrict the use of protective custody in conditions of solitary confinement for vulnerable prisoners.

#### NJDOC's Policies & Practices Regarding Transgender Prisoners

40

Pursuant to PREA, the NJDOC implemented a policy on Transgender/Intersex Inmates, PCS.001.006, effective September 1, 2016 and revised December 15, 2018. Policy PCS.001.006 was

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(41) PCS 001.006 (VI)(D) provides that "[t]he gender identity of transgender/intersex inmates will be respected by addressing transgender/intersex inmates in gender neutral terms both in person and in written reports... Staff shall conduct searches of inmates, including transgender or intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security need."

(42) PCS 001.006 (VI)(H)-(I) allows transgender prisoners to "be issued, purchase, and retain undergarments associated with the identified gender" and to "request to retain personal property associated with the identified gender [.] which request "will be processed by the institutional compliance manager." PCS 001.006 (VI)(A)(3) specifies that "PREA institutional compliance managers" receive a weekly list of inmates identified as transgender/intersex inmates as OIT's PREA Management e-mails.

(43) Presumably pursuant to this policy, Plaintiff's EMR indicates that she is subject to PREA monitoring and notes in a yes/no fashion her vulnerability to victimization. These notations are not regularly reevaluated or updated through meaningful, individualized assessments of transgender

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Prisoners' vulnerability to assault or other violence. The Policy contains no provisions related to any such individualized assessment of vulnerability or risk. Instead, the entire section entitled "Inmate safety," PCS 001.006 (VI)(a), reads as follows: "As with all inmates committed to the custody of the NIDOC, if concerns regarding a transgender/intersex inmate's safety are reported, all effective policies that govern inmate safety are to be implemented."

45

PCS 001.006 (VI)(c) provides a process by which "an Inmate [can] request [a] Correctional facility housing based on a gender identity that differs from the Inmate's sex."

46

The Policy lays out various factors many which are inappropriate & highly discriminator including but not limited to current gender expression, mental health information, criminal history, medical history, likelihood of perpetrating abuse.

47

Plaintiff, was denied congruent housing with another transgender inmate in February 2020 when the facility stated that because of the other inmates charge Plaintiff could not be housed with another transgender inmate. Considering this it's likely that NIDOC is using irrelevant information to discriminate against trans inmates.

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48 The policy does not set out timelines, reviewing or appeal procedures, nor does it specify how the process applies when the prisoner has already been improperly classified and confined at a facility not matching her gender identity.

49 Absent from the Policy is also any process for inmates to request congruent housing while incongruently housed in their facility. Plaintiff has requested to be considered for congruent housing with other transgender inmates & instead she has constantly been housed with cisgender inmates many of whom have threatened her.

50 Despite its formal Policy, upon information and belief, Defendants including NIDOC's Practices has been and continue to be to house prisoners according to their genitalia only. No consideration is given to an inmate's gender identity.

51 Upon Information & belief all women who have penises are assigned to Male Prisons without any access to congruent housing policy or procedures. Upon Information & belief, Defendants have failed to implement their policy in the inmate handbooks, in addition the formal Policy & related forms are not available to inmates.

52 Upon Information & belief, a significant number of women who are transgender are currently in NIDOC custody but the NIDOC

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continues to treat these women as "male" and to withhold the formal policy from the inmates subsequently causing inmates to be unaware that such a policy exists.

(53) In December of 2019, Defendant WODOC implemented a new policy PCS.001.T6T.01 Plaintiff & others have not been told about the policy & the policy in practice does not exist.

(54) The Policy PCS.001.T6T.01 was reviewed & approved by Suzanne Lawrence; the policy was supposed to apply to all units of the WODOC including South Woods State Prison.

(55) Just as PCS.001.006 the policy encourages WODOC and other prisons, to discriminate against transgenders such as Plaintiff based on various factors such as but not limited to medical & mental health information, as well as surgeries. This information is then used to decide whether or not facility transfers will be done.

(56) Within WODOC's Policy Defendants Hass & Malinowski have created PREA Accommodation Committee (PAC) which also engages in discrimination based on gender stereotypes & on Plaintiff's Disability.

(57) Although this policy has been in effect since 12/15/19, Defendants Powell, Solanik & Hass has failed to enforce it.

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Unless the court enjoins Defendants from continuing to discriminate against Plaintiff ~~base~~ on the basis of her gender identity and expression, she will suffer irreparable harm.

### VIOLATION OF Article 1 (Equal Protection)

Paragraph 1 of The MS Constitution (Equal Protection)

- (58) By treating Plaintiff differently than other women in NIDOC custody, inter alia by consistently misgendering her, by refusing to house her congruently with her gender identity & at Women's Prison, by denying her access to female undergarments and commissary items and, and by otherwise discriminating against Plaintiff because she is Transgender, Defendants deprived her of equal protection of the law.
- (59) Despite numerous meetings with Defendant Hass & others Plaintiff has not received female commissary items, classification hearing or a determination with regards to her request.
- (60) As a direct result & proximal result of defendants' actions, ~~the~~ Plaintiff <sup>has</sup> already suffered extensive injury and is entitled to compensatory damages.
- (61) Plaintiff asserts that her right to live freely as a woman as well as her right to Express her self freely as a woman.
- (62) Defendants continued misgendering & solely housing her incongruently with other male inmates has thwarted Plaintiff's right to live in line with her gender identity & expression.
- (63) Defendants have created Policy such as PCS 001.TGI.01 & have ~~failed~~ to use it to justify retaliating against Plaintiff.
- (64) Defendants Powell & Solanik have removed Plaintiff from his educational Program & replaced it with a program that is substandard. Under Plaintiff Settlement agreement with Defendant NIDOC Plaintiff was going to receive compensatory education.



for 2 years, these 2 years were to be guided by the NJDOC's educational section. Plaintiff completed year 1 of her education classes & was beginning year 2 when Defendant Solanik & Powell refused to place her back in a setting where she could benefit from the settlement.

(65) As a direct result of Defendant Solanik, Powell & Hass Plaintiff has been deprived of the settlement agreement's benefit.

(66) Defendants have also engaged in Discriminatory Practices & have used discriminatory information when housing Transgender Inmate, ~~Prisoner~~

(67) Plaintiff has repeatedly made request to be removed from single cell occupancy & placed back into double cell occupancy on a unit where she feels safe.

(68) Plaintiff's request have been ignored & as a result she has been left in an environment where she fears threat or physical harm is imminent. Plaintiff has been removed from her job detail simply for being Transgender & requesting accommodations.

(69) Defendants Solanik, ~~Thomas~~, Hass, Malinowski and Jane & John Does have failed to protect Plaintiff from emotional distress, sexual harassment, humiliation. Defendants had a Constitutional obligation to protect Plaintiff from conditions posing substantial risk of harm, including extreme harassment & misgendering as well as Discrimination.

(70) Defendants being on notice that Plaintiff is a woman, failed to perform a sufficient or meaningful individualized assessment of Plaintiff's risk of assault, her views of her own safety were not taken into account and/or repeatedly ignored and, despite the notation of her risk in her EMR & purported designation for PREA

monitoring, sufficient or meaningful precautions were not taken to prevent her from harassment & distress, despite the obviousness of the risk.

(71) When Plaintiff was released from solitary she began experiencing extreme panic attacks & flash backs, that made it difficult for her to sleep, eat & enjoy life.

(72) Plaintiff was placed in the cell with a older inmate who tried to help her but also harassed her about her gender identity. Plaintiff feared that she would be sexually and physically assault. Yet because of the practice of NJ DOC to place inmates in solitary who did not feel safe, Plaintiff did not tell anyone.

(73) Inmates on plaintiff's unit have threatened her & made sexually lewd comments to her; Defendants Solank Powell & Hass have left Plaintiff alone in a double occupancy cell causing her more humiliation & subsequently exacerbating her PTSD.

(74) Plaintiff explained that her request to be housed alone was in effect to gain safety & at the present time she does not feel safe being housed alone.

(75) Defendants, Powell, Solank & John/Jane Doe have mocked plaintiff alleging that "this is what you wanted well now you are getting it". Plaintiff contends that the current conditions are exacerbating her mental health.

(76) Unless the Court enjoins Defendants from continuing to subject Plaintiff to or otherwise allow these conditions of confinement, she will suffer irreparable harm. That amounts to cruel & unusual punishment.

Violation of Article I, Paragraphs 1, 6 & 18 of the New Jersey Constitution

(brought directly under the NJ constitution

& Pursuant to N.J.S.A 10:6-2(c))

Supplemental Jurisdiction

Supplemental  
jurisdiction  
claim

The allegations of the preceding paragraphs are incorporated as is fully set forth.

(77) Article 1, Paragraph 6 of the New Jersey constitution provides "Every person may freely write & publish his sentiments on all subjects..." and "No law shall be passed to restrain or abridge the liberty of speech..."

(78) Under Article I, Paragraph 1 of the NJ Constitution, Plaintiff has a constitutional right to live in line with her gender identity & expression and therefore live freely as a woman.

(80) Plaintiff has a constitutional right to speak freely about her gender identity and expression and to petition Defendants, formally or informally, to treat her like a woman, including but not limited to requesting congruent housing with other females correcting NJDOC staff when they use incorrect pronouns for her, ~~at~~ and stating her intention to file a grievance about misconduct related to her treatment as a woman who is transgender.

(81) Defendants have a constitutional duty not to retaliate against Plaintiff for the exercise of her rights under Article I, Paragraphs 1, 6 or 18.

(89) Because Plaintiff sought to live in line with her gender identity & expression, spoke freely about her gender identity & expression, and petitioned Defendants to treat her as a woman, she suffered numerous adverse actions, including but not limited to numerous threats from officers & inmates, conditions of prolonged solitary, loss of her paralegal job detail ~~assignment~~ reduction in her educational settlement program & other privileges. Plaintiff constitutionally protected conduct was a substantial or motivating factor in Defendants' decision to take these adverse actions.

- (99) In addition to the missing property the words "FAG\*T" & "Two dildos" were labeled on Plaintiff's property. Plaintiff immediately filed a complaint with STD.
- (100) Plaintiff's property as of date is missing & she is without any of the items or refund.
- (101) Defendants have violated Plaintiff's rights under New Jersey Law against Discrimination (NJLAD).
- (102) Defendants willfully violated Plaintiff's rights under ~~the~~ the New Jersey tort claim provision.
- (103) Plaintiff has been deprived of her property & provided with a property claim process that provides her with substandard results.
- (104) While Plaintiff has been housed on Facility 3 she has been harassed by Defendants Spenili & Brown who have frightened her, deprived her of legal access & denied her legal telephone calls.
- (105) These deprivations have been solely because of her Gender Identity & Gender expression.
- (106) Plaintiff has attempted to request through Defendant Powell, Solanik & others such as Hass & Malinowski to be sent back to where she was prior to her non-punitive removal from the General population.
- (107) Defendants Solanik & Powell have failed to comply with Departmental Policies & as a direct result they have exposed Plaintiff to harassment abuse & emotional distress.
- (108) Defendants Solanik & Powell have discriminated against Plaintiff by ~~removing~~ removing Plaintiff from her job detail, taking Plaintiff's property placing Plaintiff on a facility (Phase 2) where she does not feel safe & continues to struggle mentally.
- (109) Because of Defendants' actions Plaintiff has suffered severe mental health issues. Defendants were motivated by Plaintiff's Gender Identity & complaints about Defendant Hass & Malinowski Policy.



(90) Plaintiff after being released from solitary & being placed in the hostile environment, has suffered increased anxiety, nervousness, diminished impulse control & depression.

(91) These symptoms will wreak havoc on Plaintiff's mental health & diabetic conditions.

(92) Plaintiff's has been diagnosed with Gender dysphoria, & is more fearful for her safety

(93) Plaintiff's experience in isolation - separately & together with the fact that she has had her property stolen, lost her job & has had her special educational classes stopped or reduced as well as the retaliation - caused her pain, suffering, emotional distress, fear, anguish, and humiliation.

(94) Defendants Hiss Malinowski & Solanik & Powell have still not provided Plaintiff with a classification hearing; as a result Defendants have continued to not hear Plaintiff's concerns for her safety.

(95) By refusing to permit Plaintiff to retain her job as a Law Library worker solely because she is Transgender, Defendants have violated the Law Against Discrimination.

(96) By Additionally refusing entry of Transgender women to Edna Mahan correctional Facility for women, Defendants have violated Law against Discrimination.

(97) Defendants' acts or omissions were motivated by actual malice or accompanied by a wanton and willful disregard of individuals who foreseeably might be harmed by those acts or omissions.

(98) As a direct and proximal result of defendants' actions, Plaintiff has already suffered extensive injury and ~~suffered~~ is entitled to compensatory damages. She is also entitled to Punitive damages based on defendants' egregious conduct.



- (110) As a result of Defendant Powell, Hass, Solanik & Malinowski failing to ensure compliance with Prea was being met Plaintiff has suffered severe retaliation & abuse.
- (111) Defendant Hass had a duty to Plaintiff to ensure that the treatment she was receiving was in compliance with Prea & P.C.S. 001.161.01.
- (112) Plaintiff has suffered emotional distress & her mental health/medical conditions are being exacerbated. Plaintiff suffers from PTSD & Gender Dysphoria which has been exacerbated by the current conditions that Plaintiff has been subjected to.
- (113) Defendant Solanik & Powell, have retaliated against Plaintiff for filing grievances & seeking redress.
- (114) Plaintiff worked as a Facility 1 paralegal for 2 years without incident, however as plaintiff began to pursue her transition & Gender identity Defendants Solanik, Powell & Jane John Dees began to place her in dangerous settings where she suffered verbal abuse & threats & harassment.
- (115) Plaintiff repeatedly asked for a accommodation to be ~~placed~~ ~~in~~ removed from being placed with inmates who targetted her ~~to~~ solely because of her gender identity.
- (116) Defendants Solanik have continued to blame the lack of Policy & Defendants Hass & Malinowski for not moving Plaintiff.
- (117) As a direct result Plaintiff has suffered retaliation, abuse, humiliation & discrimination.
- (118) Plaintiff has ~~was~~ suffered & will continue to suffer without proper relief.
- 119 On 1-27-20 Plaintiff was placed in isolated confinement, the placement was authorized by Defendant Solanik on 1-27-20.

(120) Defendant Solanik permitted Plaintiff to be Deprived of her Property. Despite the Department Policy which Defines ~~Temporary~~ Temporary Close Custody as a the Non-Punitive removal of a Inmate from General Population. With in the Policy inmates are permitted to have their property defendants intentionally deprived Plaintiff of her property.

(121) For over 80 hours Plaintiff was deprived of her Property, Placed in a cell with out any clothes & deprived of the opportunity to shower. Plaintiff suffered nightmares, Panic attacks & humiliation.

(122) When Plaintiff was saw by mental Health she was crying & feeling depressed she was also without any reading or writing material. Defendants Powell & Solanik were aware of the conditions that she faced while in Solitary & failed to intervene.

(123) Plaintiff While in solitary explained her Night mares & the constanal Panic attacks that were happening she explained that she was also beginning to hate her self. Plaintiff was Prescribed medication by Dr. Berge for PTSD symptoms.

(124) On 1-30-20 Plaintiff was cleared to be released from ~~pending~~ TCC status & she was ~~restored~~ sent to facility 3, Not facility 1 where she was Prior to being placed on TCC status. Plaintiff complied with all orders given to her & was assigned to Unit 52R without incident.

(125) Upon her arrival Plaintiff's property was given to her & she noticed all of her electronics were missing including but not limited to her \$1,500 word processor, Television \$200.00, Walkman \$29.00 floppy Disk containing all of her legal & Personal Documents.

(126) As a direct & proximal result of Defendants retaliation, Plaintiff has already suffered extensive injury & is entitled to compensatory damages. She is also entitled to punitive damages based on Defendants egregious conduct.

(127) Unless the court enjoins Defendants from continuing to retaliate against Plaintiff for being a woman & demanding she be treated like a woman, she will suffer irreparable harm.

### Due Process Violations

Supplemental Jurisdiction

(128) Defendant NJDOC, Commissioner Hicks, Powell, Solanik Malinowski, Hass & Jane John Doe deprived Plaintiff of procedural due process, in violation of the NJ constitution.

(129) Defendants knew or should have known that Plaintiff is transgender and therefore subject to PCS 201.006 & ~~PCS 201.006~~ PCS 201.006 Policy on Transgender/Intersex Inmates, but never provided her with the policy or told her that she had any rights available pursuant to it to seek review of her placement & housing. She did not discover such a policy until she had to pay for it & even at that time she received a redacted copy of the policy missing various sections.

(130) Despite Plaintiff's request, through ~~the~~ the institutional grievance system to be placed back in a environment where she felt safe, to be considered for a female prison to have her views of safety taken into consideration. All her request have been ignored. Defendants have left her in a placement that has caused harms; harms that have been urgent, ongoing, & irreparable.

(131) Defendants failed to transfer Plaintiff ~~to~~ to a female prison, & despite Plaintiff's alternative request Defendants refuse to house Plaintiff with other transgender ~~inmates~~ inmates.

(132) Despite numerous meetings with the institutional compliance manager, Defendant Hass, nothing has come to show plaintiff that her safety & mental health would be taken into consideration with regards to her housing.

(133) Defendants after moving plaintiff's cell mate & replacing him with a huge biker gang inmate decided to house plaintiff alone & alleged that it was at her request.

(134) Plaintiff has explained that, her mental health disorder & other factors are making her not feel safe alone. She has asked for consideration to be housed with another female inmate.

(135) Defendants have ignored request & have constantly blamed other departments for their lack of policy.

(136) Defendants, refuse to follow the federal mandate of PREA 115.242 & as a result plaintiff has suffered & been denied Due process

(137) WHEREFORE, Plaintiff request judgement against Defendants as followings:

(a) Immediate, Preliminary & Permanent Injunctive relief, ordering Defendants not to discriminate against Plaintiff on the basis of Gender Identity & expression & her Sex, including but not limited to ordering them to

1) Treat Plaintiff the same as other women held by the NIDOC

2) Permit Plaintiff to be considered & housed with other Transgender females or <sup>In a female Prison</sup> ~~non-transgender inmates~~

3) Use only female pronouns when speaking to or about Plaintiff

4) Provide Plaintiff access to all female undergarments & female commissary items, including Beauty Products

5) Train all NIDOC staff on how to appropriately accommodate, treat and communicate with transgender Prisoners and/or prisoners with Gender dysphoria



6) Ensure Plaintiff is provided meaningful opportunity for out-of-cell time of at least four or ~~more~~ hours or more per day, given her status as a member of a vulnerable population who should not be subject to isolated confinement; and

(b) Declaratory relief including, but not limited to, a declaration that defendants have violated:

1) The Law Against Discrimination by discriminating against Plaintiff on the basis of her gender identity & expression;

2) The law against Discrimination by discrimination against Plaintiff on the basis of her sex

3) The NJ constitution by treating Plaintiff differently than all other women in NJDOC;

4) The NJ constitution by failing to provide procedural due process to Plaintiff

5) The NJ constitution by retaliating against Plaintiff; and

6) the New Jersey constitution by failing to respect Plaintiff's right to live & express herself as a woman

(c) compensatory damages in an amount and form to be determined at trial, including but not limited to compensation for:

1) The period(s) during which plaintiff was confined to isolation without a shower & her Property

2) Plaintiff's pain, suffering, emotional distress, anguish, and humiliation from being ~~subject~~ to denied female undergarments and commissary items, being consistently verbally & sexually harassed & misgendered, and otherwise being treated differently than other women in NJDOC custody; and



3 Plaintiffs stolen Property including her word-processor being stolen, radio, television & other items;

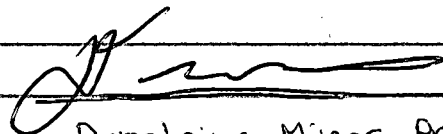
4 Plaintiffs, Pain, suffering, emotional distress, fear, anguish, and humiliation from the constant harassment & Denial of services / Programs

(d) Punitive damages on all claims allowed by law, in an amount to be determined at trial;

(e) For prejudgment interest at the maximum rate, Pursuant to applicable law;

(f) Any further relief as this court deems just & proper

Dated: ~~March 1, 2020~~  
July 5, 2020

  
Demetrius Minor, Pro Se

### JURY DEMAND

Plaintiff demands trial by jury

### CERTIFICATION PURSUANT R. 4.5-1

Plaintiff certifies that other than a ~~law~~ 7<sup>th</sup> Amendment retaliation lawsuit against a sergeant in the District court, there are no other Parties that should be made aware of this lawsuit. Plaintiff recognizes the continuing obligation to file & serve on all Parties & the court an amended certification if there is a change in the facts stated in this original certification

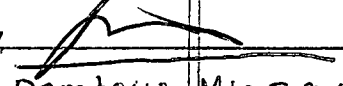
Dated March 1, 2020

### VERIFICATION

Demetrius Minor, Pro Se

I, Demetrius Minor, hereby affirm under perjury that the statements contained in the foregoing complaint are, to true.

Dated: March 1, 2020

  
Demetrius Minor, Pro Se